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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MICHAEL B. WILLIAMS,

Plaintiff,

v.

STATE OF CALIFORNIA, et al.,

Defendants.

No. C 09-5313 MMC (PR)

ORDER OF TRANSFER

On November 9, 2009, plaintiff, a civil detainee confined at Coalinga State Hospital and awaiting civil commitment proceedings, filed the above-titled “Complaint for Violation of the Federal False Claims Act (31 U.S.C. § 3729 et seq.) and California’s False Claims Act (Cal. Gov. Code § § 12650 et seq.).” The caption of the complaint designates the presiding court as the “United States District Court for the Eastern District of California.” In his complaint, plaintiff alleges Coalinga State Hospital and its Executive Director, Pam Ahlin, and Staff Psychiatrist, Dr. Richard May, committed fraudulent acts in violation of both the federal and California’s False Claims Act. Plaintiff specifically alleges that the acts occurred in Fresno County, and that venue of the action is proper in the Eastern District. (Compl. ¶¶ 12-13.)

Venue may be raised by the court sua sponte where the defendant has not filed a

1 responsive pleading and the time for doing so has not run. See Costlow v. Weeks, 790 F.2d
2 1486, 1488 (9th Cir. 1986). When jurisdiction is not founded solely on diversity, venue is
3 proper in (1) the district in which any defendant resides, if all of the defendants reside in the
4 same state; (2) the district in which a substantial part of the events or omissions giving rise to
5 the claim occurred, or a substantial part of the property that is the subject of the action is
6 situated; or (3) a judicial district in which any defendant may be found, if there is no district
7 in which the action may otherwise be brought. See 28 U.S.C. § 1391(b). When venue is
8 improper, the district court has the discretion to either dismiss the case or transfer it “in the
9 interest of justice.” See 28 U.S.C. § 1406(a).

10 It is clear from the complaint that plaintiff’s claims arise out of acts allegedly
11 committed by defendants residing in Fresno County, which is in the Eastern District of
12 California. Consequently, venue is proper in the Eastern District, not in the Northern
13 District. See 28 U.S.C. § 84(b).

14 Accordingly, in the interest of justice, and pursuant to 28 U.S.C. § 1406(a), the above-
15 titled action is hereby TRANSFERRED to the United States District Court for the Eastern
16 District of California.

17 IT IS SO ORDERED.

18 DATED: November 19, 2009

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20 MAXINE M. CHESNEY
21 United States District Judge
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